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Docket No.: M4065.0567/P567-A  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Paul R. Rudeck

Application No.: 10/626,620

Confirmation No.: 9373

Filed: July 25, 2003

Art Unit: 2813

For: METHOD TO REMOVE AN OXIDE SEAM  
ALONG GATE STACK EDGE, WHEN NITRIDE  
SPACER FORMATION BEGINS WITH AN  
OXIDE LINER SURROUNDING GATE STACK

Examiner: L.M. Schillinger

**RESPONSE TO RESTRICTION REQUIREMENT**

MS Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the restriction requirement set forth in the Office Action mailed November 8, 2004 (Paper No. 111004), applicant elects the claims of Group II for continued examination, without traverse. In response to the further election requirement, applicant provisionally elects Species 1.

The restriction requirement includes a description of Group I, drawn to a method. Applicant notes that all claims of Group I, claims 1-8, 19-35, and 48-56, were canceled by the Preliminary Amendment dated July 25, 2003.

The Office Action divides Group II into four Species 1-4. Species 1-4 have been defined, however, in terms of claims. Claims are definitions of inventions. Claims are never species. See MPEP § 806.04(e). Applicant notes that Fig. 6 illustrates an exemplary embodiment of the invention. All pending claims are considered by applicant to be readable thereon.

Application No.: 10/918,453

Docket No.: M4065.0537/P537-A

Dated: December 8, 2004

Respectfully Submitted,

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